

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PROSHIPLINE, INC. and EP-TEAM,
INC.,

Plaintiffs,

v.

ASPEN INFRASTRUCTURES, LTD,
f/k/a Suzlon Infrastructure, Ltd., et al.,

Defendants.

CASE NO. C07-5660BHS

ORDER REINSTATING
WRIT OF ATTACHMENT
ON BEHALF OF EP-TEAM
INDIVIDUALLY AND
REVERSING ORDER TO
REIMBURSE ASPEN FOR
VALUE OF GARNISHED
PROPERTY

This matter comes before the Court on the parties' responses to the Court's show cause order (Dkts. 123, 124) regarding the mandate issued in this case by the Ninth Circuit on February 3, 2010. The Court has considered the pleadings filed and the remainder of the file and hereby enters an order following the mandate for the reasons discussed herein.

I. FACTUAL AND PROCEDURAL BACKGROUND

On May 6, 2010, this matter was reassigned to the undersigned. Dkt. 119. For a full factual and procedural background, please see the Ninth Circuit's order and opinion

1 and the reimbursement. In short, had the Court not ordered the writ vacated and the
2 reimbursement paid, this money would have remained in the Court's registry until the
3 matter was resolved.

4 **B. Aspen's Response**

5 Aspen urges the Court to reject the mandate on the basis that the Ninth Circuit did
6 not have an opportunity to consider extra-judicial proceedings (i.e., arbitration in
7 Singapore) that took place in between the time that this Court entered its previous ruling
8 and the time that the Ninth Circuit issued its opinion reversing the same.

9 The Court declines to issue an order inconsistent with the mandate. Aspen has not
10 provided adequate authority on which this Court could rely in straying from the explicit
11 directive of the mandate. *See* 609 F.3d 971-972 (ordering that "the writ *shall* be
12 reinstated") (emphasis added).

13 **C. EP-Team's Response**

14 To the extent EP-Team's response to the Court's show cause order included
15 requests for relief not granted herein, the Court concludes that a case schedule should be
16 set first (i.e., a joint status report will be required of the parties). Once a case schedule is
17 set, the parties will be permitted to timely brief the Court as to the open issues in this
18 matter.
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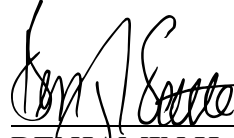
20 **III. ORDER**

21 Therefore, it is hereby **ORDERED** that

- 22 (1) The Writ is reinstated;
23 (2) The improper reimbursement is reversed;
24 (3) Aspen must replace the funds that were in the Court's registry prior to the
25 Court's erroneous rulings; and
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1 (4) The Parties are ordered to file a joint status report, no later than October 1,
2 2010, as to how and on what schedule this matter should proceed.

3 DATED this 20th day of September, 2010.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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